

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Southern District of New York
(State)

Case number (if known): _____ Chapter _____

☐ Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Findlay Estates LLC

2. All other names debtor used in the last 8 years
Include any assumed names, trade names, and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 27-4448919

4. Debtor's address

Principal place of business		Mailing address, if different from principal place of business
<u>71 Lafayette Avenue</u>		
Number	Street	Number Street
<u>Suffern New York 10901</u>		P.O. Box
City	State	ZIP Code
City	State	ZIP Code
<u>Rockland</u>		Location of principal assets, if different from principal place of business
County		
		Number Street
		City State ZIP Code
		City State ZIP Code

5. Debtor's website (URL) _____

Debtor Findlay Estates LLC
Name

Case number (if known) _____

6. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other. Specify: _____

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☐ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

Check one:

- ☐ Chapter 7
☐ Chapter 9
☒ Chapter 11. Check all that apply:

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

Debtor	Findlay Estates LLC	Case number (if known) _____
9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years? If more than 2 cases, attach a separate list.	<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No</div><div><input type="checkbox"/> Yes. District _____ When _____ Case number _____ MM / DD / YYYY</div></div> <div style="display: flex; justify-content: space-between;"><div>District _____</div><div>When _____</div><div>Case number _____</div></div> <div style="display: flex; justify-content: space-between;"><div></div><div>MM / DD / YYYY</div><div></div></div>	
10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor? List all cases. If more than 1, attach a separate list.	<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No</div><div><input type="checkbox"/> Yes. Debtor _____ Relationship _____ District _____ When _____ MM / DD / YYYY</div></div> <div style="display: flex; justify-content: space-between;"><div>Case number, if known _____</div><div></div></div>	
11. Why is the case filed in this district?	<p><i>Check all that apply:</i></p> <div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.</div><div><input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.</div></div>	
12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?	<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No</div><div><input type="checkbox"/> Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.</div></div> <p>The Debtor seeks to remove a Receiver appointed by Court Order dated October 7, 2021 on the grounds that the Receiver has not adequately protected the property located at 1056-1064 Findlay Avenue, Bronx, New York</p> <p>Why does the property need immediate attention? <i>(Check all that apply.)</i></p> <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety. What is the hazard? _____</div><div><input type="checkbox"/> It needs to be physically secured or protected from the weather.</div></div> <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).</div><div><input type="checkbox"/> Other _____</div></div> <p>Where is the property?</p> <div style="display: flex; justify-content: space-between;"><div>Number _____</div><div>Street _____</div></div> <div style="display: flex; justify-content: space-between;"><div>City _____</div><div>State ZIP Code _____</div></div> <p>Is the property insured?</p> <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> No</div><div><input type="checkbox"/> Yes. Insurance agency _____</div></div> <div style="display: flex; justify-content: space-between;"><div>Contact name _____</div><div>Phone _____</div></div>	

Statistical and administrative information

Debtor Findlay Estates LLC
Name

Case number (if known) _____

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5,001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated assets

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

16. Estimated liabilities

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.


I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

11 16 2021

Executed on
MM / DD / YYYY

x 

Sheindy Grunhut

Signature of authorized representative of debtor Printed name

Sole Member-Manager

Title _____

Debtor Findlay Estates LLC
Name

Case number (if known) _____

18. Signature of attorney

X


Signature of attorney for debtor

Date 11 16 2021
MM / DD / YYYY

Leo Fox

Printed name

Firm name

630 Third Avenue - 18th Floor

Number Street

New York

City

New York 10017

State ZIP Code

212-867-9595

Contact phone

leo@leofoxlaw.com

Email address

1422476

Bar number

New York

State


CORPORATE RESOLUTION

The undersigned, Sheindy Grunhut, is the authorized Sole Member-Manager of Findlay Estates, LLC (the "Company") and is authorized to make this certification. The undersigned certifies that on the date noted below, a Special Meeting of the Company was regularly and duly held at 630 Third Avenue, 18th Floor, New York, New York 10017.

At said Meeting, a resolution was passed, as follows:

RESOLVED, that the Manager be and he hereby is individually authorized and directed to file on behalf of the Company an application under Chapter 11 of the Bankruptcy Code and to take all steps necessary and proper for the filing of said application, including the retention of Leo Fox, Esq. located at 630 Third Avenue, 18th Floor, New York, NY 10017, as attorney for that purpose.

Dated: New York, New York
November 16, 2021



Sheindy Grunhut
Sole Member-Manager

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

Case No.:

Chapter 11

FINDLAY ESTATES, LLC,

Debtor.
-----X

DECLARATION PURSUANT TO LOCAL RULE 1007

STATE OF NEW YORK)

ss.:

COUNTY OF ROCKLAND)

SHEINDY GRUNHUT, declares under penalty of perjury:

1. I, Sheindy Grunhut, am the Sole Member and Manager of the above Debtor a New York limited liability company with offices located at 71 Lafayette Street, Suffern, New York 10901.

2. This affidavit is submitted by the Debtor-in-Possession, pursuant to the Local Rules of this Court, in connection with filing of a Chapter 11 case by the above Debtor.

3. The Debtor is not a small business debtor within the meaning of the Bankruptcy Code.

4. The Debtor is in the business of owning and operating certain real estate located at 1056-1064 Findlay Avenue, Bronx, New York, a building containing 27 residential rental units. There are three (3) vacancies. The Debtor's Managing Agent is New York Management Corp., P.O. Box 63, Monsey, New York 10952.

5. Expected receipts is approximately \$50,000 and disbursements is approximately \$25,000 for the next 30 days.

6. A summary of the debtor's assets and liabilities are attached as Exhibit A.

7. The events leading up to this Chapter 11 filing arise from the following. The Debtor generally paid its bills until the COVID pandemic struck the New York area, in particular, the Bronx in great measure. Many tenants stopped paying rent, some moving out and other simply squatting. Despite this, the Debtor's principals continued to pay the mortgage payments owed to the Mortgagee from their own funds in substantial measure.

8. On January 14, 2019, the Debtor borrowed funds in the principal amount of Six Million Three Hundred Thirty Five Thousand Dollars (\$6,335,000) and executed a Note and Mortgage. Greystone Servicing Corporation is the original named Mortgagee. Simultaneously with the Mortgage Loan, Greystone assigned its interest in the mortgage to Federal Home Loan Mortgage Corporation (the "Mortgagee"). On November 12, 2020, Greystone repurchased the Loan effective November 12, 2020, and assigned it to Greystone Healthcare Management Corp. On December 31, 2020, Greystone Healthcare Management Corp. assigned the Loan to PFSS 2020 Holding Company, LLC ("PFSS 2020").

9. On or about October 23, 2020, Federal Home Loan Mortgage Corporation ("Federal") as Mortgagee, commenced a foreclosure action in the United States District Court for the Southern District of New York under Index No. 20-08884 (PAE), seeking the payment of obligations including default interest, principal and other fees and charges. The Complaint alleged that there was a principal balance of \$6,213,237 as of September 30, 2020 plus interest and default interest. The Debtor and the Debtor's principals denied the pleadings in an Answer.

10. The monthly interest payment under the non-default contract rate of \$24,851.07 was increased by approximate \$22,000 in default rate interest plus late charges each month.

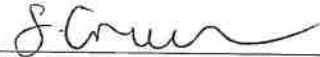
11. On May 28, 2021, a First Amended Complaint was filed by PFSS 2020. The action is pending in the United States District Court.

12. On or about October 7, 2021, the United States District Court granted the appointment of a Receiver. So far the Receiver has not been successful in maintaining and preserving the property, in collecting rents and in leasing vacancies.

13. The Debtor's books and records are being maintained at the Debtor's offices at 71 Lafayette Street, Suffern, New York 10901 and at the Debtor's Managing Agent's Office.

14. The Debtor believes that it will be able propose a viable and confirmable Plan of Reorganization to deal with the Mortgagee and its creditors.

Duly declared under penalty of perjury:
November 16, 2021



Name: Sheindy Grunhut
Title: Sole-Member/Manager

EXHIBIT A

ASSETS AND LIABILITIES

ASSETS

Real Property 1056-1064 Findlay Avenue Bronx, New York	Undetermined In excess of the Mortgage Debt
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LIABILITIES

Secured Debt Mortgage	Approximately \$6,213,237 principal (Disputed)
Unsecured Claims	\$2,450,000